



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Department of Agriculture

- ☒ Permanent Rule
☐ Emergency Rule
☐ Expedited Rule Making

(1) Date of adoption: May 18, 2004

(2) Purpose: This rule making order repeals chapter 16-400 WAC (Fruit and Vegetable Inspection Fees) and chapter 16-458 WAC (Fruit and Vegetable Inspection District Boundaries) and replaces them with a new clearly written chapter 16-390 WAC (WSDA Fruit and Vegetable Inspection Districts, Inspection Fees and Other Charges) which contains increased hourly inspection rates, increased minimum inspection fees, increased phytosanitary inspection fees and adopts the hourly rates for audit time, administration time and applicable travel time related to Good Agricultural Practices (GAP) and Good Handling Practices (GHP) audit verification certificates established by USDA/AMS/FPB/FVP in the Terminal Market Inspection Services Schedules of Fees for Fresh Fruit and Vegetable, 7 CFR Part 51 Subpart 38, which became effective on January 15, 2004.

(3) Citation of existing rules affected by this order:

Repealed: Chapters 16-458 and 16-400 WAC in their entirety

Amended:

Suspended:

(4) Statutory authority for adoption:

Other Authority: Chapter 15.17 RCW and Chapter 34.05 RCW and
Chapter 25, Laws of 2003, First Special Session (ESSB 5404).

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 04-08-128 on April 7, 2004.

Describe any changes other than editing from proposed to adopted version: None

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

(6) Effective date of rule:

Permanent Rules

- ☒ 31 days after filing
☐ Other (specify) _____ *

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Emergency Rules

- ☐ Immediately
☐ Later (specify) _____

Name (Type or Print)

Valoria Loveland

Signature

Title
Director

Date
May 18, 2004

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAY 18 2004

TIME 4:17 PM
WSR 04-11-078

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	0	Amended	0	Repealed	0
Federal rules or standards:	New	0	Amended	0	Repealed	0
Recently enacted state statutes:	New	0	Amended	0	Repealed	0

The number of sections adopted at the request of a nongovernmental entity:

New	0	Amended	0	Repealed	0
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The number of sections adopted in the agency's own initiative:

New	18	Amended	0	Repealed	12
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	18	Amended	0	Repealed	12
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The number of sections adopted using:

Negotiated rule making:	New	0	Amended	0	Repealed	0
Pilot rule making:	New	0	Amended	0	Repealed	0
Other alternative rule making:	New	18	Amended	0	Repealed	12